HON'BLE SMT. JUSTICE T. MEENA KUMARI

A N D

HON'BLE SRI JUSTICE K.C. BHANU

Writ Petition No.12247 of 2005

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Dated:December 12, 2005

Between:

The Secretary, A.P. State Human Rights Committee, Gruhakalpa, M.J. Road, Hyderabad – 500 001.

… Petitioner

And

The Superintendent, Central Prison, Rajahmundry,

East Godavari District and

9 others. … Respondents

Oral Order: (per the Hon'ble Sri K.C. Bhanu, J)

1. The Secretary, A.P. State Human Rights Committee addressed a letter dated 3-5-2005 stating that several remand prisoners are languishing in the Central Prison and State Prison for Women at Rajahmudnry for more than 90 days without any information as to whether charge sheets were filed. The petitioner has particularly mentioned about the judicial remand of one G. Venkata Rao in Crime No.14/2000 of Polavaram Police Station who is languishing in jail for the last 4 years and 10 months without any charge sheet being filed against him. The petitioner

has also stated that even after the amendment to the Code of Criminal Procedure, 1973, the Executive Magistrates in the agency areas are still passing orders of detention of the prisoners in I.P.C. cases, which is without jurisdiction. The same is taken up as a writ petition.

2. Appropriate decision has to be taken by the District Judges and the Magistrates concerned if the charge sheet is not filed within 60 days if the punishment to the charges alleged is not with death or imprisonment for life and 90 days if it is punishable with death or imprisonment for life. The accused shall be entitled to be released on bail as a matter of right, provided he fulfils the conditions to be imposed by the Courts while releasing on bail. The letter of the petitioner does not indicate that the remand prisoners are languishing in the jails without there being any legality. Therefore, we direct the District Judges, East Godavari at Rajahmundry and West Godavari at Eluru to take necessary instructions in this regard and give suitable directions to the Magistrates concerned to release the remand prisoners, if they are in judicial custody for more than 60 or 90 days, as the case may be. They shall pass necessary orders on the applications, if necessary, by appointing legal aid counsels and thereafter pass appropriate orders.

3. We make it clear that the remand prisoners shall be informed about their rights with regard to grant of bail and also legal aid to be given in conducting the criminal cases. We specifically direct the District Judge, West Godavari at Eluru to call for a report from the Sub-Divisional Magistrate, Kovvur, relating to Crime No.14/2000 of Polavaram Police Station where it is alleged that the remand prisoner G. Venkata Rao is in judicial custody for the last 4 years and 10 months and issue necessary instructions.

4. This Court, on administrative side, has already given instructions to extend the amended Code of Criminal Procedure, 1973 to the agency areas by entrusting the cases relating to agency areas to the nearest Judicial Magistrates of First Class.

5. The writ petition is disposed of with the above directions.

(Smt. T. Meena Kumari, J)

(K. C. Bhanu, J)

December 12, 2005.

svs